**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4019 OF 2006**

M/s. Saibaba Builders and
Developers. .. Petitioner.

vs.

Shanta Shankar Tondare
& Ors. . .. Respondents.

Mr. P.S. Dani for petitioner.
Mr. G.J. Desai with M.V. Thakkar
i/by Ms. S.V. Thakkar, for R.No.1.
Smt. V.S. Mhaispurkar, AGP for R. Nos. 2 & 3.

**CORAM : A.P. DESHPANDE, J.**

**DATE : 30th November, 2006.**

P.C.

. A preliminary objection is raised by the respondent in regard to availability of alternative efficacious remedy in the form of revision under Section 154 of the Maharashtra Co-operative Societies Act. The learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to file a revision under Section 154. He further points out that the impugned order is dated 30.5.2006 and the present

writ petition has been filed on 7.6.2006. It is thus evident that the writ petition was filed within a week's time from passing of the impugned order. As the petitioner has been prosecuting the instant writ petition, the time spent by the petitioner in prosecuting the writ petition from 7.6.2006 till date will have to be excluded from computing the period of limitation for filing of revision, on an appropriate application being moved by the petitioner. The learned counsel for the petitioner submits that the revision will be filed within two weeks from today and if this be so, there is no reason as to why the revisional authority should not condone the delay. With these observations, the writ petition is permitted to be withdrawn with liberty to file a revision.

**(A.P. Deshpande, J.)**